

EXHIBIT 1

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Superior Court of California,
County of Alameda

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

KAREEM MAVIS,

Plaintiff,

v.

LABORATORY CORPORATION OF
AMERICA; and DOES 1 through 20,
inclusive,

Defendants.

CASE NO.: 23CV040447

COMPLAINT FOR:

1. Discrimination in Violation of FEHA
2. Failure to Prevent Discrimination (FEHA)
3. Retaliation in Violation of FEHA
4. Labor Code s. 98.6
5. Labor Code s. 1102.5, 1102.6
6. Labor Code s. 6310, 6311
7. Labor Code s 233
8. Failure to Engage in a Timely Good Faith Interactive Process
9. Failure to Provide Reasonable Accommodation
10. Wrongful Termination in Violation of Public Policy
11. Failure to Pay All Wages Due (Labor Code ss. 201, 202, 203)
12. Failure to Reimburse Business Expenses (Labor Code s. 2802)
13. Failure to Pay Regular Wages
14. Failure to Pay Minimum Wage
15. Failure to Relieve for Meal and Rest Breaks
16. Failure to Pay Overtime
17. Harassment in Violation of FEHA
18. Failure to Prevent Harassment in Violation of FEHA
19. California Family Rights Act

DEMAND FOR JURY TRIAL

1 Plaintiff KAREEM MAVIS for its Complaint against Defendants LABORATORY
2 CORPORATION OF AMERICA and DOES 1 through 20, inclusive, hereby complains and alleges
3 as follows:

4 **PARTIES, JURISDICTION AND VENUE**

5
6 1. Plaintiff Kareem Mavis was at all times relevant to the matters alleged in this
7 complaint an individual with his residence in California.

8 2. Plaintiff is informed and believes and thereon alleges that the fictitiously-named
9 Defendants sued herein as Does 1 through 20 inclusive, and each of them, are in some manner
10 responsible for the occurrences, acts, and omissions alleged herein and that Plaintiff's damages were
11 proximately caused by their conduct. The true names and capacities of such fictitiously-named Doe
12 Defendants, whether individual, corporate, partnership, associate or otherwise, are presently
13 unknown to Plaintiff, and Plaintiff will seek leave of the Court to amend this Complaint to assert the
14 true names and capacities of such fictitiously-named Defendants when the same have been
15 ascertained. For convenience, each reference to the named Defendant herein shall also refer to Does
16 1 through 20, inclusive.

17
18 3. Plaintiff is informed and believes and thereon alleges that in committing certain acts
19 herein as alleged, some or all of the Defendants herein named were acting as the agents, joint ventures,
20 partners, representatives, subsidiaries, affiliates and/or employees of some or all of the other
21 Defendants, and that some or all of the conduct of such Defendants, as complained of herein, was
22 within the course and scope of such relationship.

23
24 4. Pursuant to Article VI, Section 10 of the California Constitution, subject matter
25 jurisdiction is proper in the Superior Court of California, County of Alameda.
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28

6. Defendants subjected Plaintiff to discrimination/harassment/retaliation on the bases of race, color, ethnicity, ancestry, national origin, medical condition, disability, request for and exercise of reasonable accommodation, request for and exercise of medical leave, request for/exercise of sick time, opposition to discrimination/harassment/retaliation, opposition to/refusal to perform/complaints about violation of the law, opposition to Labor Code violations, and assertion of rights under the Labor Code.

8. Defendants subjected Plaintiff to inferior terms and conditions of employment, suspended Plaintiff's employment, terminated Plaintiff's employment, failed to reinstate Plaintiff to a discrimination free work environment, and subjected Plaintiff to a hostile work environment.

10. Defendants failed to pay Plaintiff minimum wages, regular wages, and agreed upon wages.

12. Defendants failed to relieve Plaintiff for required meal and rest breaks.

13. Plaintiff has received a Right to Sue letter from the California Department of Fair Housing and Employment and has thus exhausted all necessary administrative remedies.

FIRST CAUSE OF ACTION
(Discrimination in Violation of FEHA)
(Against All Defendants)

14. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

15. Defendants' actions constitute discrimination in violation of the Fair Employment and Housing Act ("FEHA").

16. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

17. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to its damage in an amount according to proof at trial.

18. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

SECOND CAUSE OF ACTION
(Failure to Prevent Discrimination in Violation of FEHA)
(Against All Defendants)

19. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

20. Under FEHA, it is unlawful for an employer to fail to take all reasonable steps to prevent discrimination.

21. Defendants had knowledge and/or reasonable notice of the discrimination that took place against Plaintiff and failed to prevent such.

1 22. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
2 and continues to suffer a loss in earnings and other employment benefits according to proof at time
3 of trial.

4 23. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
5 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
6 to proof at trial.

7
8 24. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
9 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

10 **THIRD CAUSE OF ACTION**
11 **(Retaliation in Violation of FEHA)**
12 **(Against All Defendants)**

13 25. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
14 though fully set forth herein.

15 26. Defendants' actions constitute retaliation in violation of the Fair Employment and
16 Housing Act ("FEHA").

17
18 27. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
19 and continues to suffer a loss in earnings and other employment benefits according to proof at time
20 of trial.

21 28. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
22 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
23 to proof at trial.

24
25 29. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
26 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

FOURTH CAUSE OF ACTION
(Retaliation in Violation of Labor Code s. 98.6)
(Against All Defendants)

30. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

31. Defendants' actions constitute retaliation in violation of Labor Code s. 98.6.

32. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

33. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to its damage in an amount according to proof at trial.

34. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

FIFTH CAUSE OF ACTION
(Retaliation in Violation of Labor Code s. 1102.5, 1102.6)
(Against All Defendants)

35. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

36. Defendants' actions constitute retaliation in violation of Labor Code s. 1102.5, 1102.6.

37. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

1 38. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
2 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
3 to proof at trial.

4 39. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
5 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
6

7 **SIXTH CAUSE OF ACTION**
8 **(Retaliation in Violation of Labor Code s. 6310, 6311)**
9 **(Against All Defendants)**

10 40. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
11 though fully set forth herein.

12 41. Defendants' actions constitute retaliation in violation of Labor Code s. 6310.

13 42. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
14 and continues to suffer a loss in earnings and other employment benefits according to proof at time
15 of trial.

16 43. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
17 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
18 to proof at trial.

19 44. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
20 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
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22 **SEVENTH CAUSE OF ACTION**
23 **(Violation of Labor Code s. 233)**
24 **(Against All Defendants)**

25 45. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
26 though fully set forth herein.

27 46. Defendants' actions constitute a violation of Labor Code s. 233.
28

47. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

48. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to its damage in an amount according to proof at trial.

49. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

EIGHTH CAUSE OF ACTION
(Failure to Engage in a Timely Good Faith Interactive Process)
(Against All Defendants)

50. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

51. Defendants' failed to engage in a timely good faith interactive process in violation of FEHA.

52. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

53. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to its damage in an amount according to proof at trial.

54. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

NINTH CAUSE OF ACTION
(Failure to Provide Reasonable Accommodation)
(Against All Defendants)

55. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

56. Defendants' failed to provide reasonable accommodation in violation of FEHA.

57. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

58. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to its damage in an amount according to proof at trial.

59. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

TENTH CAUSE OF ACTION
(Wrongful Termination in Violation of Public Policy)
(Against All Defendants)

60. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

61. Defendants' terminated Plaintiff's employment in violation of public policy.

62. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

1 63. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
2 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
3 to proof at trial.

4 64. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
5 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
6

7 **ELEVENTH CAUSE OF ACTION**
8 **(Failure to Pay All Wages Due)**
9 **(Against All Defendants)**

10 65. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
11 though fully set forth herein.

12 66. Defendants' failed to pay Plaintiff all earned wages and other compensation due at the
13 time of separation of employment in violation of Labor Code ss. 201, 202, 203.

14 67. Plaintiff seeks all available damages and penalties.

15 **TWELFTH CAUSE OF ACTION**
16 **(Failure to Reimburse Business Expenses)**
17 **(Against All Defendants)**

18 68. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
19 though fully set forth herein.

20 69. Defendants' failed to reimburse Plaintiff for expenses incurred for the employer's
21 benefit in violation of Labor Code s. 2802.

22 70. Plaintiff seeks all available damages and penalties.

23 **THIRTEENTH CAUSE OF ACTION**
24 **(Failure to Pay Regular Wages or Agreed Upon Wages)**
25 **(Against All Defendants)**

26 71. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
27 though fully set forth herein.
28

1 72. Defendants' failed to pay Plaintiff all earned wages and other compensation in
2 violation of Labor Code ss. 221, 222, 223.

3 73. Plaintiff seeks all available damages and penalties.

4 **FOURTEENTH CAUSE OF ACTION**
5 **(Failure to Pay Minimum Wage)**
6 **(Against All Defendants)**

7 74. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
8 though fully set forth herein.

9 75. Defendants' failed to pay Plaintiff minimum wage.

10 76. Plaintiff seeks all available damages and penalties.

11 **FIFTEENTH CAUSE OF ACTION**
12 **(Failure to Relieve for Meal and Rest Breaks)**
13 **(Against All Defendants)**

14 77. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
15 though fully set forth herein.

16 78. Defendants failed to relieve Plaintiff for meal and rest breaks.

17 79. Plaintiff seeks all available damages and penalties.

18 **SIXTEENTH CAUSE OF ACTION**
19 **(Failure to Pay Overtime)**
20 **(Against All Defendants)**

21 80. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
22 though fully set forth herein.

23 81. Defendants failed to pay Plaintiff overtime wages.

24 82. Plaintiff seeks all available damages and penalties.

SEVENTEENTH CAUSE OF ACTION
(Harassment in Violation of FEHA)
(Against All Defendants)

83. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

84. Defendants' conduct constitutes harassment in violation of FEHA.

85. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

86. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered humiliation, emotional distress and mental pain and anguish all to its damage in an amount according to proof at trial.

87. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.

EIGHTEENTH CAUSE OF ACTION
(Failure to Prevent Harassment in Violation of FEHA)
(Against All Defendants)

88. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

89. Defendants failed to prevent harassment in violation of FEHA.

90. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered and continues to suffer a loss in earnings and other employment benefits according to proof at time of trial.

1 91. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
2 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
3 to proof at trial.

4 92. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
5 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
6

7 **NINETEENTH CAUSE OF ACTION**
8 **(California Family Rights Act)**
9 **(Against All Defendants)**

10 93. Plaintiff re-alleges and incorporates by reference all paragraphs of this Complaint as
11 though fully set forth herein.

12 94. Defendants' actions constitute a violation of California Family Rights Act.

13 95. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
14 and continues to suffer a loss in earnings and other employment benefits according to proof at time
15 of trial.

16 96. As a proximate result of the wrongful conduct of Defendants, Plaintiff has suffered
17 humiliation, emotional distress and mental pain and anguish all to its damage in an amount according
18 to proof at trial.

19 97. In doing the acts herein alleged, Defendants acted with oppression, malice, and/or
20 conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive damages.
21

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:
24

25 1. For payment of earned wages, withheld earnings, and other damages according to
26 proof in an amount to be ascertained at trial;

27 2. For payment of all statutory obligations and penalties as required by law;
28

1 3. For penalties, special damages, compensatory, and general damages in an amount to
2 be proven at trial;

3 4. For punitive damages as allowed by law;

4 5. Loss of income incurred and to be incurred according to proof;

5 6. For reasonable attorneys' fees;

6 7. For costs of suit incurred herein;

7 8. For interest provided by law;

8 9. All damages and penalties provided by law;

9 10. For restitution and other equitable relief; and

10 11. For such other and further relief as the court deems just and proper

11 Dated: August 10, 2023

By: LAW OFFICE OF MICHAEL FREIMAN

12 *Michael J. Freiman*
13 _____
Michael Freiman, Esq.

14 Attorney for Plaintiff Kareem Mavis

15 **DEMAND FOR JURY TRIAL**

16 Plaintiff Kareem Mavis demands a jury trial.
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18 Dated: August 10, 2023

By: LAW OFFICE OF MICHAEL FREIMAN

19 *Michael J. Freiman*
20 _____
Michael Freiman, Esq.

21 Attorney for Plaintiff Kareem Mavis
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